

RCE 12141
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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant
application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/859,716
Filing Date	May 17, 2001
Examiner Name	Nicholas R. Taylor
First Named Inventor	Raymond S. Wach
Group Art Unit	2141
Attorney Docket Number	4114

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on May 4, 2006
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-3735
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other Underpayment or Overpayment
- b. ☒ Check in the amount of \$ 395.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	David W. Rouille, Esq.	Registration No. (Attorney/Agent)	40,150
Signature	<i>David W. Rouille</i>	Date	June 27, 2006

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print /Type)	Penny A. Coelho	Signature	<i>Penny A. Coelho</i>	Date	June 27, 2006
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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.



ATTORNEY DOCKET NO.: EMP04-27
SMALL ENTITY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Raymond S. Wach
Serial No.: 09/859,716
Title: METHOD OF PERFORMING DISTRIBUTED LOAD TESTING
Filing Date: May 17, 2001
Examiner: Nicholas R. Taylor
Art Unit: 2141
Conf. No.: 4114

Certificate of Mailing Under 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: **MAIL STOP RCE**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on:

Date: June 27, 2006

By: Penny A. Coelho
(Typed or printed name of person mailing
Document, whose signature appears below)

Signature: 

MAIL STOP RCE
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Sir:

Enclosed is/are:

- [x] Transmittal Letter (this form, 2 pages, in duplicate), Total Pages: 4;
- [x] Request for Continued Examination (RCE) Transmittal, Total pages: 1;
- [x] Return Receipt Pre-paid Postcard (in duplicate), Total Postcards: 2;
- [x] Authorization to charge Deposit Account No. 50-3735, if necessary;
- [x] Check in the amount of \$395.00, with fee amounts calculated as follows:

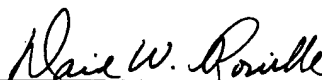
- 2 -

	Claims Remaining After Amendme nt	Highest No. Previously Paid For	Present Extra	Rate	Additional Fee
Total Claims	36	- 36	0	X \$50.00	= \$0.00
Independent Claims	4	- 4	0	X \$200.00	= \$0.00
Request for Continued Examination (RCE) Fee					= \$395.00
TOTAL ADDITIONAL FEES					= \$395.00

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,



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Attorney Docket No.: EMP04-27

Dated: June 27, 2006